DERRY CATHEDRAL.

RETURN to an ORDER of the Honourable The House of Commons, dated 3 April 1838;—*for*,

COPIES of the CORRESPONDENCE that took place between the Irish Government and the Dean of *Derry*, and also with Doctor *M'Laughlin*, Titular Bishop, and with Doctor *M'Laughlin*, Coadjutor to the same in *Derry*, relative to a Breach of the Law committed by certain Persons in the Churchyard of the Cathedral of *Derry*, on Sunday the 14th of January 1838.

My Lord, Deanery House, Derry.

I TAKE the liberty of forwarding to your Lordship the accompanying affidavit of a transaction which has caused not only the greatest disgust, but has called forth the highest possible expression of angry feeling among the Protestant population of this city and neighbourhood. I feel quite satisfied that the Protestants of Derry could not be induced a second time quietly to witness what they consider a desecration of the consecrated burial-ground of their forefathers. On the occasion in question the peace was preserved; but if the law be not respected, and the repetition of so offensive a ceremony prevented, I should fear consequences of a very lamentable nature. The Roman-catholic clergy are absolutely without excuse for thus transgressing against the law and outraging the feelings of the Protestant community, as they have a burial-ground adjoining their own chapel, where they are never interfered with, and where they may adopt any services or ceremonies they please. Under such circumstances, I trust your Lordship may perceive the necessity of ordering such steps to be taken, and such proceedings instituted as the law directs. I would beg to refer you to the 10 Geo. 4, c. 7, s. 26 & 38.

I hope your Lordship will excuse the liberty I have taken in making this application; but had I omitted so to do, I should feel that I had been guilty of a great dereliction of duty.

I have, &c.
(signed) *Thomas B. Gough.*

The Right Hon. Viscount Morpeth,
&c. &c. &c.

City and Liberties of Londonderry, to wit. } John Price, sexton of the cathedral church of St. Columb, Londonderry, and James Shannon, of Londonderry, on the 15th day of January 1838, came before me, Thomas Kennedy, esq. one of Her Majesty's Justices of the Peace for said city and liberties, and made oath that they were present at the funeral of the late Mrs. Cathcart, of Sugar-House-lane, in the said city, which took place in the churchyard of said cathedral shortly after three o'clock in the afternoon of Sunday the 14th of January, in the year of our Lord 1838; that deponents on that occasion observed an unusually large concourse of persons assembled, and at their head Doctor M'Laughlin, the coadjutor titular bishop of Derry, and the two officiating Roman-catholic priests of said city, Messrs. Monaghan and Dempsey; by one of the above, the Rev. Mr. Monaghan, certain funeral ceremonies were performed according to the usages of the Church of Rome, which, to the best of deponents' belief, had never been before performed in the consecrated burial-ground of the cathedral.

Deponents further state that the mode of proceeding with these ceremonies was as follows: Mr. Monaghan having placed upon his shoulders a coloured and embroidered vestment, and having, together with the said coadjutor bishop, priest, and Roman-catholics present, crossed and blessed themselves, so far as deponent can understand the signification of certain gestures of the hands and lips employed by them, proceeded to, and did pour a cup of water (as it appeared to be) into the grave where the body of the deceased was to be deposited. He then read and repeated from a book, in a language which deponents have reason to believe was Latin, after which he called upon those who were present to repeat a Pater Noster and Hail Mary for the soul of the deceased, in order to its release from such punishments as might yet remain to be undergone for debts undischarged in life (so far as they could comprehend the words), after which he three times in succession

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cession cast into the grave from a shovel (brought, as they understand, for the purpose, and not belonging to the sexton or gravedigger) a part of the clay which had been dug up from the said grave when it was opened; be then again read from the book as before. Throughout the proceedings, at different times, certain responses or parts of the service were recited by the persons around the priest who officiated. At the conclusion of the whole both the priests and the greater part of the people present crossed and blessed themselves. The said coadjutor to titular bishop and the other of said priests continued present during the entire service; and further deponents say not.

(signed) *John Price,*
James Shannon.

Sworn before me, this 15th January 1838.

(signed) *Thos. P. Kennedy*, Mayor.

Sir, Dublin Castle, 25 January 1838.

I BEG to acquaint you that your letter to Lord Morpeth, enclosing an information with regard to a burial according to the rites of the Roman-catholic church, in the churchyard of the cathedral of Derry, was laid before the Lord Lieutenant, and by his Excellency's directions submitted to the law officers of the Crown, whose opinion upon the subject is now transmitted for your information and guidance:

"This is not a case within the provisions of the 10 Geo. 4, c. 7, s. 26, against the celebration of the rites of the Roman-catholic church out of the usual place of worship, if, as it is presumed, the officiating minister of the church, or whoever may be the dignitary authorized to permit interment in the churchyard, granted permission for the celebration of the funeral service there under the statute 5 Geo. 4, c. 25.

"This latter statute vests in such minister the power to regulate the time of celebrating such service, or to withhold permission altogether, if he think fit so to do; but the 10 Geo. 4, c. 7, s. 27, expressly protects the celebration of such service (if permitted) from the prohibition of the 26th section. It is therefore in the power of the proper authorities of the cathedral church to provide, if they deem it expedient, against the proceedings complained of in this case, or against their occurrence at times which may be inconvenient or unfit; and as to this particular transaction, no proceedings can be taken against the parties concerned, if (as has been assumed) permission was given for the celebration of the service."

I have, &c.

The Very Rev. the Dean of Derry, &c. &c. &c.

(signed) *T. Drummond.*

Sir, Deanery House, Derry, 27 January 1838.

I HAVE had the honour of receiving your letter of the 25th instant, conveying to me the opinion of the law officers of the Crown relative to the infraction of the law by the Roman-catholic clergy in our cathedral churchyard; and, in reply, I beg leave to observe that this opinion has been given on a supposed state of the case, which I should conceive my letter to Lord Morpeth does not at all warrant, and which has no existence in fact, as no leave for the celebration of the Roman-catholic rites of burial was either given by me, or required from me by the Roman-catholic clergy. Such being the case, which I am willing to prove on oath, if necessary, it is evident they have acted illegally; and I would again beg to refer to the 10 Geo. 4, c. 7, s. 26. It is by no means wished to exclude the remains of our Roman-catholic fellow-citizens from interment in the grave-yard of the cathedral; and, for myself, I will say I have no desire to inflict the penalty on the Roman-catholic clergy for their breach of the law. But as the Lord Lieutenant has been pleased to take this transaction into his consideration, I would humbly submit, through you, to his Excellency, whether it is not unreasonable that such a congregation as attend the cathedral of Derry should be offended and disgusted on the Sabbath-day by the illegal exhibition of rites and ceremonies at their very church-door, which they consider superstitious and idolatrous; and whether they ought not at least to have some security that such would not be repeated

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repeated. Indeed, so great is their indignation at the transaction in question, that if it should occur again I would not take it on myself to answer for the lamentable consequences.

I have, &c.
(signed) *Thomas B. Gough,*
Dean of Derry.

Thomas Drummond, Esq.
&c. &c. &c.

Sir, Dublin Castle, 17 February 1838.

I AM directed by the Lord Lieutenant to inform you, that a complaint has been made to his Excellency by the Dean of Derry, in the name of himself and his parishioners, that on Sunday the 14th ult. the rites of the Roman-catholic religion were performed by a Roman-catholic ecclesiastic in the churchyard of the cathedral of Derry.

The law officers are of opinion that in so doing the clergyman referred to has violated the law, and has rendered himself liable to be prosecuted for the penalty of 50 *l.*, under the 26th section of the Act of 10 Geo. 4, c. 7.

His Excellency greatly regrets this proceeding, and considers that both the Dean and the Protestant parishioners have a right to complain of it, more especially as the Roman-catholics, according to the representation made to his Excellency, have a burial-ground adjoining their own chapel, where they are never interfered with, and where they may perform the services and ceremonies of their own church; and his Excellency will feel it his duty to put the law in force on this occasion, unless he shall receive from you very satisfactory assurances that the conduct complained of will not be repeated.

I have, &c.
(signed) *T. Drummond.*

The Right Rev. Peter M'Laughlin, D.D.
&c. &c. &c.

Sir, Londonderry, 19 February 1838.

I AM directed by the Right Rev. Dr. M'Laughlin to acknowledge the receipt of your communication of the 17th inst., and to assure his Excellency that in future no clergyman over whom he has any control shall violate the law.

I have, &c.
(signed) *J. M'Laughlin.*

T. Drummond, Esq.
&c. &c. &c.

Sir, Dublin Castle, 21 February 1838.

ADVERTING to the complaint preferred by you and certain of the Protestant parishioners of Derry, relative to an infraction of the law by Roman-catholic clergy in the churchyard of the cathedral, I am directed by the Lord Lieutenant to transmit, for your information, copy of a letter written by his Excellency's desire to the Roman-catholic bishop, and of his reply.

His Excellency having received this assurance on the part of the Roman-catholic bishop, considers that there is no further cause for apprehending a recurrence of the circumstance of which you and your parishioners have justly complained, and in this opinion his Excellency trusts you will concur.

I have, &c.
(signed) *T. Drummond.*

The Very Rev. the Dean of Derry,
&c. &c. &c.

(True copies.)

Dublin Castle. T. DRUMMOND.

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DERRY CATHEDRAL.

CORRESPONDENCE between the Irish Government and the Dean of *Derry*, &c.

(Sir Robert Bateson.)

Ordered, by The House of Commons, *to be Printed,*
15 *May* 1838.

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